

**IN THE SUPREME COURT OF FLORIDA**

INQUIRY CONCERNING  
A JUDGE NO. 02-487

Supreme Court Case  
No.: SC03-1171

**RESPONDENT’S MOTION TO EXTEND DISCOVERY  
TO DEPOSE WILLIAM J. WALLS**

The Honorable Gregory P. Holder (“Judge Holder” or “Respondent”), by counsel, files with the Hearing Panel of the Florida Judicial Qualifications Commission (“the Panel”) this Motion to Extend Discovery to Depose William J. Walls, a newly discovered witness, on the grounds set forth below.

1. On Friday, August 27, 2004, during the deposition of Jeffrey John Del Fuoco (“Del Fuoco”) counsel for Judge Holder became aware of an out-of-state witness, William J. Walls (“Walls”), who received Air War College documents from Del Fuoco. The Judicial Qualification Commission (“JQC”) special counsel was previously aware of this witness.

2. Respondent’s counsel promptly made multiple attempts to contact Walls, who did not return counsel’s telephone calls.

3. On August 31, 2004, counsel for Judge Holder served Walls with a subpoena for deposition scheduled September 1, 2004. Walls did not appear for the deposition.

4. Respondent's counsel has spoken by telephone to counsel for Walls and is endeavoring to reschedule the deposition for Walls, who resides in Pittsburgh, Pennsylvania.

5. Walls was not identified in JQC's Response to Rule 12(B) Discovery Request, dated August 8, 2003.

6. Walls was not identified in the JQC's Supplemental Response to Rule 12(B) Discovery Request, dated August 18, 2003.

8. Walls was not identified in the JQC's Objections and Responses to Respondent's First Set of Interrogatories, dated September 15, 2003.

9. Walls was not identified in the JQC's Answers and Objections to Respondent's Expert and Witness Interrogatories, dated June 11, 2004.

10. Walls was not identified in the witness list contained in JQC's Prehearing Statement, dated August 25, 2004.

WHEREFORE, Judge Holder respectfully requests that this Panel enter an order extending discovery until the date of the final evidentiary hearing to allow the taking of William J. Walls' deposition.

Dated: September 1, 2004

*(Attorney signature appears on following page.)*

Respectfully Submitted,

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Counsel for Judge Gregory P. Holder

### CERTIFICATE OF SERVICE

I certify that on September 1, 2004, a copy of the foregoing has been served by telecopier and U.S. Mail to Ms. Brooke Kennerly, Hearing Panel Executive Director, 1110 Thomasville Road, Tallahassee, FL 32303; and by telecopier and U.S. Mail to: Honorable John P. Kuder, Chairman of the Hearing Panel, Judicial Building, 190 Governmental Center, Pensacola, FL 32501; John Beranek, Counsel to the Hearing Panel, Ausley & McMullen, P.O. Box 391, Tallahassee, Florida 32302; Charles P. Pillans, III, Esq., JQC Special Counsel, Bedell Ditmar DeVault Pillans & Coxe, P.A., The Bedell Building, 101 East Adams Street, Jacksonville, FL 32202; and, Thomas C. MacDonald, Jr., JQC General Counsel, 1904 Holly Lane, Tampa, FL 33629.

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Attorney